

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sears Logistics Services, Inc.,

Plaintiff,

v.

Phoenix Warehouse,

Defendant.

Case No. 2:14-cv-999

Judge Watson

Magistrate Judge Kemp

RENEWED MOTION TO SUBSTITUTE PLAINTIFF

Plaintiff Sears Logistics Services, Inc. moves that Innoval Solutions, Inc. be substituted as the proper plaintiff in this case due to a corporate name change. Sears Logistics Services, Inc. was renamed Innoval Solutions, Inc. for all purposes. Innoval Solutions, Inc. is the same entity as the originally-named plaintiff, simply with a new name. Accordingly, Innoval Solutions, Inc. is the current name of the real party in interest and should be substituted in place of Sears Logistics Services, Inc. as the proper plaintiff in this case.

Plaintiff has complied with Local Civil Rule 7.3. Undersigned counsel contacted Defendant's counsel regarding this motion on August 12, 2015, to see whether Defendant would oppose this motion. Undersigned counsel again inquired about Defendant's opposition to this motion on August 31, 2015. On September 2, 2015, Defendant's counsel instructed undersigned counsel to file the Motion to Substitute Plaintiff without any indication as to Defendant's stance because Defendant's counsel was unsure whether Defendant would oppose the motion.

Respectfully submitted,

s/ Gregory P. Mathews

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Certificate of Service

I certify that on September 4, 2015, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to:

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Attorney for Defendant Phoenix Warehouse

s/ Gregory P. Mathews

An Attorney for Plaintiff